

Message Text

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ORIGIN EB-11

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FM SECSTATE WASHDC

TO AMEMBASSY TEL AVIV PRIORITY

AMEMBASSY MADRID

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E. O. 11652: ADS, DECLAS 12-31-73

TAGS: ETRD, SP

SUBJECT: U. S. LABELLING REGULATIONS TO SPANISH WINES--
STATE OF PLAY

FOR DEPUTY ASSISTANT SECRETARY RENNER

REF: (1) MADRID 1805; (2) MADRID 2070

1. AT AND F INDUSTRY CIRCULARS 73-2 AND 73-5 ANNOUNCED APPLICATION OF LABELLING REQUIREMENTS FOR WINE IN BOTTLES CONTAINED IN 27 USC 205(E) AND IMPLEMENTING REGULATIONS TO CERTAIN SPANISH WINES. CIRCULAR 73-2, ISSUED MARCH 20 PROHIBITED THE IMPORTATION INTO THE U. S. OF SPANISH WINES LABELLED " BURGUNDY", " CHABLIS", " SAUTERNE" OR " RHINE", ON THE GROUNDS SUCH WINE MAY NOT BE SO LABELLED AND SOLD IN SPAIN. CIRCULAR 73-5 PROHIBITS IMPORTATION INTO THE U. S. OF SPANISH WINES LABELLED WITH CERTAIN VARIETAL (I. E., TYPE OF GRAPE) DESIGNATIONS ON GROUNDS THESE GRAPE VARIETIES ARE NOT GROWN IN SUFFICIENT QUANTITIES IN SPAIN TO ACCOUNT FOR
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VOLUME OF EXPORTS.

2. GOS RESPONSE TO AT AND F ORDERS HAS VARIED FROM SPOKESMAN TO SPOKESMAN. INITIAL SPANISH RESPONSE (REF 1) WAS FROM DIRECTOR GENERAL OF COMMERCIAL POLICY IN MINCOMMERCE, WHO REQUESTED POSTPONEMENT OF EFFECTIVE DATE OF CIRCULAR 73-2 UNTIL JULY 15, 1973 TO ACCOMMODATE HARDSHIP CASES SUCH

AS EXPORTERS WITH SHIPMENTS ON HIGH SEAS OR ON DOCKS CLEARED FOR SHIPMENT TO U. S. EMBASSY REPORTS DG INDICATED SYMPATHY WITH AIMS OF AT AND F ACTION.

3. SECOND GOS ACTION WAS NOTE FROM SPANISH EMBASSY DATED APRIL 9 REQUESTING CANCELLATION OF CIRCULAR 73-2 ON GROUNDS WINE WITH SEMI- GENERIC DESIGNATIONS IN QUESTION COULD LEGALLY BE SOLD IN SPAIN. AT SUBSEQUENT MEETING BETWEEN SPANISH EMBASSY REPS. AND AT AND F OFFICIALS ARRANGED BY DEPARTMENT, FORMER WERE TOLD THAT QUESTION WAS NOT WHETHER SEMI- GENERICS COULD LEGALLY BE SOLD IN SPAIN BUT WHETHER THEY WERE IN FACT SOLD IN COMMERCIAL QUANTITIES. EMBASSY REPS. INDICATED THIS INTERPRETATION OF U. S. LAW WAS NEW TO THEM AND VERBALLY REQUESTED SIX- MONTH DELAY IN APPLICATION OF ORDER TO CONSIDER NEW SITUATION.

4. THIRD GOS MOVE WAS LETTER FROM LOPEZ BRAVO TO AMBASSADOR (REF 2) REQUESTING REVOKATION OF CIRCULAR 73-2 TO GIVE TIME FOR GOS PROVIDE CLARIFYING INFORMATION ON SPANISH LAW ON SUBJECT OF SEMI- GENERICS.

5. GOS HAS NOT PROTESTED CIRCULAR 73-5, ON VARIETALS.

6. IN RESPONSE TO REQUESTS OF DEPARTMENT, IMPORTERS ASSOCIATION AND GOS, AT AND F HAS INDICATED THAT SHIPMENTS COVERED BY CIRCULAR 73-2 WHICH WERE ON HIGH SEAS BEFORE APRIL 5 WILL BE ALLOWED ENTRY. IMPORTERS ASSOCIATION INDICATED THIS WOULD PROVIDE SOME RELIEF. APRIL 5 IS DATE ON WHICH AT AND F DETERMINED ALL IMPORTERS HAD RECEIVED CIRCULAR. CIRCULAR 73-5 WENT INTO EFFECT APRIL 23, AS SCHEDULED.

7. COMMENT: TEXT OF LOPEZ BRAVO'S LETTER SUGGESTS GOS LIMITED OFFICIAL USE

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STILL LABORING UNDER MISAPPREHENSION THAT PROOF THERE NO PROHIBITION IN SPANISH LAW AGAINST SALES OF WINES IN SPAIN WITH SEMI- GENERIC LABELS WOULD UNDERMINE BASIS FOR CIRCULAR 73-2. ISSUE, AS EXPLAINED BY AT AND F OFFICIALS TO SPANISH EMBASSY REPS, IS WHETHER OR NOT WINE SO LABELLED IS IN FACT SOLD IN SPAIN IN COMMERCIAL QUANTITIES. ROGERS

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